

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Ms. Carin V. Linton
415 Robney Drive
Sumter, S.C. 29150

SCDOI File Number: 126326

**Consent Order Imposing Administrative
Penalty As Precondition to Remain
Licensed**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and above named respondent, a licensed resident South Carolina insurance producer.

Upon review of this matter, I hereby find as fact, that Carin Linton, while licensed to do business as a resident insurance producer for American Pioneer Life Insurance Company within the State of South Carolina, did fail to remit monies to the Insurer, for premiums collected from customers. The respondent acknowledges this allegation and contends this failure resulted from inadvertence and oversight and not from any intent to avoid the requirements of the Law. Nevertheless, this type of action can ultimately lead to the revocation of her license to transact the business of insurance as a resident producer in South Carolina, following a public hearing at the Administrative Law Court, pursuant to S.C. Code Ann. & 38-43-130.

Prior to the initiation of any administrative proceedings by the Department against her, Carin Linton and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke Ms. Linton's insurance producer's licensing privileges, she would enter negotiations with the employer in order to refund the amounts owed to the complainant, waive her right to a public hearing and pay through the Department an administrative penalty in the amount of \$500.00 dollars.

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Carin Linton had violated S.C. Code Ann. § 38-43-130(C)(4)(Supp.2004), by...“improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.” As a result, I can now take administrative disciplinary action against her resident insurance producer's license. However, in view of her previously clean record, and willingness to expeditiously resolve this matter, by entering into an agreement with the complainant to refund the monies in question, I have decided to grant her the benefit of the doubt, concluding that there was no malice, criminal intent, nor willful conduct involved. Therefore, under the discretionary authority provided to me by the General Assembly within S.C. Code Ann. § 38-2-10 (2)(Supp. 2004), and after carefully considering the recommendation of the parties, I hereby impose against Carin V. Linton an administrative penalty in the amount of \$500.00 dollars, to be paid within fifteen days of receipt

of this consent order. If the whole penalty amount is not paid timely, her licensing privileges will be immediately revoked without any further disciplinary proceedings.

This administrative penalty has been reached by the parties as a result of negotiation and compromise, and it is made in consideration of Carin Linton's assurances that in the future will exercise more caution and fully comply with South Carolina's Insurance Laws.


This penalty includes all expenses related to the investigation of this matter, as provided in Section 38-13-70 of the South Carolina Code of Administrative Laws. The parties expressly agree and understand payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By her signature upon this consent order, Carin V. Linton acknowledges this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2004).

It is, therefore ordered, that Carin Linton shall, within fifteen days from the date of receipt of this consent order, pay through the Department of Insurance an administrative penalty in the amount of \$500.00 dollars.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in respondent's licensing file.

This order becomes effective as of the date of my signature below.


Eleanor Kitzman, Director

December, 2, 2005, at Columbia, South Carolina.

I CONSENT:

Name: Carin Linton

Carin Linton
Signature

Title:

Address: 415 Robney Dr. Siler SC 29150

Dated this 30th day of Nov, 2005.